

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Skky, Inc.,

Case No.: 13-2086 (PJS/JJG)

Plaintiff,

vs.

Manwin USA, Inc., and Manwin Holding, s.a.r.l.,

Defendants.

Skky, Inc.,

Case No.: 13-2087 (PJS/JJG)

Plaintiff,

vs.

Vivid Entertainment, LLC,

Defendant.

Skky, Inc.,

Case No.: 13-2089 (PJS/JJG)

Plaintiff,

vs.

Playboy Enterprises, Inc.,

Defendant.

DEFENDANTS' MEET AND CONFER STATEMENT

On January 16, 2014, counsel for Defendant Myxer Inc., Kevin Littman; counsel for Defendants Thumbplay Ringtones, LLC and Dada Entertainment, Inc., Timothy Heverin; counsel for Defendants Manwin USA, Inc., Manwin Holding s.a.r.l., Vivid Entertainment, LLC and Playboy Enterprises, Inc., Todd Noshier; and counsel for Skky,

Ryan Schultz, met and conferred via telephone to discuss Defendants' concerns regarding Andrew Parker and the Parker Rosen law firm's representation of Skky in the above-captioned matters in view of, *inter alia*, Minnesota Rule of Professional Conduct 3.7. Skky offered to remove Andrew Parker as counsel of record, but made no mention of Daniel Rosen.

On January 23, 2014, Skky replaced Andrew Parker with Daniel Rosen as counsel of record. On January 24, 2014 counsel for Defendant Myxer Inc., Kevin Littman; counsel for Defendants Thumbplay Ringtones, LLC and Dada Entertainment, Inc., Timothy Heverin; counsel for Defendants Manwin USA, Inc., Manwin Holding s.a.r.l., Vivid Entertainment, LLC and Playboy Enterprises, Inc., Todd Nosher; and counsel for Skky, Ryan Schultz, met and conferred via telephone to discuss Defendants' concerns regarding Parker Rosen's continued representation of Skky in the above-captioned matters and its replacement of Andrew Parker with Daniel Rosen as counsel of record in view of, *inter alia*, Minnesota Rules of Professional Conduct 1.8(i) and (k). The parties could not reach an agreement on this dispute.

Dated: January 27, 2014

s/Justi Rae Miller
Barbara Podlucky Berens (#209788)
Justi Rae Miller (#387330)
Berens Miller P.A.
3720 IDS Center 80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 349-6171
Facsimile: (612) 349-6416
Bberens@berensmiller.com
Jmiller@berensmiller.com

Frank M. Gasparo (Admitted *Pro Hac Vice*)
Todd M. Noshier (Admitted *Pro Hac Vice*)
Venable LLP
1270 Avenue of the Americas
Twenty-Fourth Floor
New York, New York 10020
Telephone: (212) 307-5500
Facsimile: (212) 307-5598
fmgasparo@venable.com
tmnoshier@venable.com

*ATTORNEYS FOR DEFENDANTS Manwin USA, Inc.,
Manwin Holding, s.a.r.l., Playboy Enterprises, Inc.,
and Vivid Entertainment, LLC*